

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEFFREY R. KLEIN,

Plaintiff,

-against-

OCTAGON INC., *et al.*,

Defendants.

No. 14-cv-6770 (AT)

DECLARATION OF JULIE KENNEDY

JULIE KENNEDY declares:

1. I am Vice President of Talent in the Talent & Properties Division of Octagon, Inc. (“Octagon”). I make this Declaration in support of Octagon’s opposition to Plaintiff’s Motion for Court Authorized Notice Pursuant to 29 U.S.C. § 216(b).

2. Octagon is the global leader in athlete and personality representation and management and is the world's largest sponsorship consulting practice. The Talent & Properties ("T&P") division is based in McLean, Virginia and has numerous offices throughout the United States.

3. For many years, T&P offered internships to outstanding college students interested in learning about our businesses and exploring whether to seek a career in the talent management industry. Interns have been located in T&P offices in Scottsdale, Los Angeles, San Francisco, Atlanta, Chicago, Portland (Maine), Charlotte, New York City, Walnut Creek, CA, Richmond, San Diego, Boulder, Cary, NC, Rogers, AK and McLean, VA.

4. T&P consists of several separate divisions: North American Sales & Marketing (formerly Athlete and Property Marketing/Personalities & Properties), which includes Digital Media, Creative Services, Public Relations, Speakers and Literary Services; First Call

(Entertainment Public Relations, Marketing and Consulting); Personalities; Entertainment (including Music); Corporate Finance; Human Resources; and Legal. Octagon has placed interns in each of these divisions.

5. T&P also has divisions dedicated to the representation of professional athletes in nearly every major professional sport played in the United States. Octagon has placed interns in its Football, Basketball, Hockey, Baseball, Tennis, Golf, Track & Field, and Olympic Action Sports divisions.

6. These departments have different areas of focus, as follows:

Department	Focus Area & Mission
North American Sales & Marketing	Strategic research, planning, and execution of sales and marketing programs for the agency's athletes, personalities, events, and specialty properties.
Baseball	Talent representation, contract negotiations, and marketing for professional baseball athletes.
Engage (Digital Media)	Utilization of technology and digital media to maximize opportunities for Octagon and our clients.
First Call: Entertainment PR/Marketing/Celebrity Consulting	Helps clients assess the business value of celebrities, negotiate smart partnerships and activate each program. These efforts lead to TV commercials, digital content, publicity programs, social media campaigns, cause-related marketing, corporate speaking, promotional sweepstakes and more.
Basketball	Talent representation, contract negotiations, and marketing for professional basketball athletes.
Personalities	Manages and promotes personalities including former professional athletes, professional NFL coaches and commentators. Secures marketing opportunities and speaking engagements for these clients.
Public Relations	Promote Octagon's and client's brands through effective communications and media interactions.
Football	Talent representation, contract negotiations, and marketing for professional football athletes.
Strategic Initiatives	Create new revenue streams, projects and properties for Octagon T&P.
Olympics and Action Sports	Talent representation and marketing for individual Olympic and Action Sports athletes.

Tennis	Talent representation and marketing for professional tennis athletes. Own the rights for numerous tennis tournaments worldwide and lease those events to companies to operate on our behalf.
Creative Services	Develop ideas and collateral materials to promote Octagon and our clients, including presentation materials, logos, brochures, and online promotions.
Entertainment	Packaging, representing and/or producing more than 300 television series and specials, as well as having success with major film, radio, music touring and recording projects. Directs the careers of hosts, presenters, comedians, and musicians.
Hockey	Talent representation, contract negotiations, and marketing for professional hockey athletes.
Human Resources	Manage T&P's human capital with the goal of maximizing performance in achieving the company's objectives. Responsible for employee recruitment, training and development, performance appraisals, as well as compensation and benefits.
Legal	Negotiates, drafts and reviews agreements including athlete management agreements, marketing deals, endorsements, employment agreements, and consulting agreements. Provides legal guidance to staff and ensures legal compliance.

7. T&P interns were required to receive academic credit based on their internship. Some colleges required their interns to sign a "learning contract," which outlined the responsibilities of the learning institution and the learning site (Octagon) to ensure that the experience was a learning opportunity for the student. Some of the requirements included an orientation, a written description of tasks and responsibilities, appropriate training activities, and regular meetings for the student and his or her primary Octagon liaison; some required interns to take a class or write a paper in conjunction with their internship; some had no specific requirements.

8. T&P offered internships in the summer months (during the college-year break) and during the fall and spring college semesters. Semester interns were either undergraduate or

graduate students, while Octagon Experience summer interns were exclusively undergraduates. Internship opportunities were posted on Octagon's website and distributed to college career services offices. The selection process for interns differed for the summer as compared to the semesters. The former involved a selection committee that would evaluate prospective interns, and for those who were offered an internship, work with them to identify a T&P business unit suitable to their subject matter interest and geographic preference. The latter involved a selection process handled directly by the business executives within T&P.

9. During the summer months, interns typically spent full days at Octagon's offices because they were not in classes. Semester interns typically did not do so because their classes were ongoing. The summer interns worked on mock projects and attended a weekly speaker series and participated in a career day. T&P's semester interns received training on a more ad hoc, informal basis within their departments. For all interns, however, the experience varied based on the different "shadowing" or other opportunities made available to them by their assigned liaison within the applicable line of business.

10. I am aware that Octagon's other division, Marketing Americas, also made internships available to college students. To my knowledge, no one at T&P was involved in administering internships at Marketing Americas, nor was anyone at Marketing Americas involved in administering internships at T&P.

Jeffrey Klein

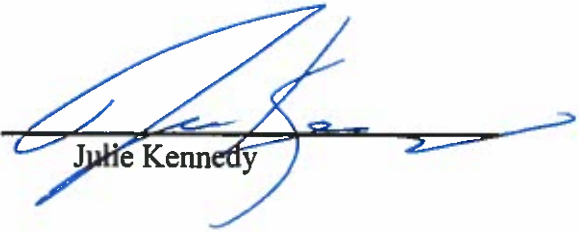
11. Jeffrey Klein was an intern with T&P in its New York City office from August 2011 to November 3, 2011.

12. Mr. Klein's internship was scheduled to end in December 2011, but it was discontinued early at T&P's request because on more than one occasion he left the office or

failed to arrive without notifying anyone of his whereabouts. In explaining himself, Mr. Klein told Octagon that he left early and did not come into the office because he did not feel he had enough work to do. Octagon did not hire any additional employees upon Plaintiff's termination, nor do I believe that paid Octagon employees had to work longer hours to compensate for Plaintiff's departure.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 24, 2014



Julie Kennedy